

REMARKS

Claims 1-4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kotilkov et al. (US 2003/00112453) and Shimazu et al. (US 005724454) in combination with Ashton (US 2004/0066956). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kotilkov et al. (US 2003/00112453) and Shimazu et al. (US 005724454) in combination with Luo et al. (US 20030053686). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Luo et al. (US20030152289A1) and Miceli et al. (US 20030128149) in combination with Ashton (US 2004/0066956). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kotilkov et al. (US 2003/00112453), Shimazu et al. (US 005724454) and Ashton (US 2004/0066956) in combination with the combination of Luo et al. (US 2003152289A1) and Miceli et al. (US 20030128149).

Applicant's attorney wishes to thank the Examiners Brian Werner and Thomas Redding for the courtesy of the interview on November 14, 2007.

Andy Gallagher was present during the interview and presented a number of arguments as to why he had made a discovery.

Claims 1, 2, 7 and 9 have been amended. Reviewing the interview it was pointed out to the Examiners that claim 1, which is representative of all the claims in the application, sets forth a new unobvious discovery. What the Applicant has discovered is that when there exists a combination of a sky region and hanging wires in the sky region that the hanging wires are detected. In element (c) the hanging wires are either removed or the orientation of the image is determined. Page 16 of the Power Point presentation shows an image with hanging wires that have been removed without user intervention in accordance with claim 1.

Turning now to the rejection of the claims. Kotlikov et al discloses a system for correcting for image defects identified by an operator (0041). There is nothing in this reference which in any way suggests Applicant's discovery that hanging wires in a sky region can be used to identify the orientation of the image or removal of hanging wires.

Shimazu et al does mention (col. 26, line 3) that electric wires and blue skies are undesirable and should be replaced. Their system has the user manually identifying the defects (col. 6, lines 2-4). A user has to use a mask and

a defect correcting system. This is done for any defect identified by a user. Clearly Shimazu et al never appreciated that hanging wires in a sky region can be automatically processed as in claim 1 without any user intervention.

Ashton's system relates to processing images of brains. He provides no discussion of sky or hanging wires. Nor does Ashton provide any motivation for Applicant's discovery discussed above.

Luo et al '686 relates to an object detecting system which can be used for automatic detection of sky regions. There is no mention of hanging wires in this disclosure. In fact, Applicant uses a similar system for the automatic detection of sky region as set forth in element (a) of claim 1. Dr. Luo is a colleague of Mr. Gallagher and when Mr. Gallagher told him of his discovery for the removal of hanging wires in a sky region he had not previously considered this combination and recognized the improvement in the art of image enhancement.

Luo et al '289 discloses a method for determining the orientation of the digital image. There is no mention in this reference of Applicant's discovery that hanging wires in a sky region can be without user intervention used to determine the orientation of the image or removal of the hanging wires. In fact as noted in regard to Luo '686 he had not previously considered this combination.

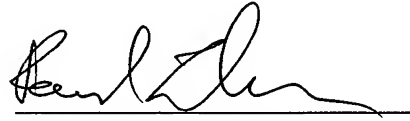
Miceli et al relates to taking aerial photographs particularly from a helicopter of wires in an infrastructure system. An operator directs the image capture device on the wires and other infrastructure features. Images are taken of the wires to determine if there are defects in the system. Because the helicopter is above the wires, there are no images of wires in a sky region nor is there any suggestion or need for the removal of hanging wires from an image using the hanging wires to determine the orientation of an image.

Summarizing, Applicant believes that independent claim 1 and all of the independent claims in this application set forth a new discovery that hanging wires in a sky region of an image can be used to determine image orientation or their removal without user intervention.

It is believed that these changes now make the claims clear and definite and, if there were any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed that none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul L. Owens", is written over a horizontal line.

Attorney for Applicant(s)
Registration No. 22,363

Raymond L. Owens/das
Rochester, NY 14650
Telephone: 585-477-4653
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.